



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

### **Request for Variance**

### **Bradford S. & Cheryl Signor/Map 254, Lot 57**

**March 19, 2015**

**Applicant:**     **Bradford S. & Cheryl Signor**  
                      **1241 Spindle Hill Road**  
                      **Wolcott, CT 06716**

**Location:**     **14 Watson Shore Road, Moultonborough, NH (Tax Map 254, Lot 57)**

On March 18, 2015, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Bradford S. & Cheryl Signor (hereinafter referred to as the "Applicant" and/or "Owner") to obtain a Variance from MZO Article III. B (3) to permit the replacement of a dwelling located 13.2 ft. (closest point) from the west side property line where 20 ft. is required and 6 ft. (closest point) from the east side property line where 20 ft. is required on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 14 Watson Shore Road, Moultonborough, NH (Tax Map 254, Lot 57).
- 2) The applicants are the owners of record for the lot.
- 3) The applicant was represented at the Public Hearing by Dave Dolan of David M. Dolan Associates, PC. and Mr. Signor was present at the hearing.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is for the construction of a dwelling 13.2 feet from the west side property line, 20 ft. required and 6 feet from east side property line, 20 ft. required after demolition of the existing residential dwelling.
- 6) One abutter noted his concerns with the close proximity of the proposed dwelling to his property regarding their liability of dead, diseased and dying trees along the wetlands.
- 7) One abutter noted that she had no objections with the proposed plan as presented.
- 8) Granting the Variances would not be contrary to the public interest as the proposed construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings

in the neighborhood, improve water quality through best practices, improve sight lines to the lake for abutters, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings. The wetland adjacent to the proposed construction is not buildable, so adequate space is thereby maintained.

- 9) Granting the Variances would be consistent with the spirit of the Ordinance because the proposed construction will not alter the essential character of the neighborhood because it would be similar to the other dwellings in the neighborhood, improve water quality through best practices, improve sight lines to the lake for abutters, and most importantly, not change the intent of the ordinance for setbacks which is adequate provision of light and air between buildings. The wetland adjacent to the proposed construction is not buildable, so adequate space is thereby maintained.
- 10) By granting the Variances, substantial justice would be done because there is no public benefit to be gained by requiring that an odd-shaped, inefficient, needlessly expensive dwelling be constructed that stays within the oddly shaped, narrow building envelope on the lot, while the loss to the applicant would be great.
- 11) Granting the Variances would not diminish the value of surrounding properties as the proposed construction would replace sub-standard, deteriorating construction with new, thereby increasing neighborhood valuations.
- 12) There is an unnecessary hardship owing to special conditions of the property that distinguishes it from other properties in the area because of the unique shape of the lot resulting in a narrow, non-rectangular building envelope which would require that an odd-shaped, inefficient, needlessly expensive dwelling be constructed that stays within said building envelope be constructed to meet the setback requirements and that this is not reasonable, and that the variance is necessary to enable the reasonable use as a residential property.
- 13) On March 18, 2015, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Bickford, St. Peter, DeMeo) and none (0) opposed to grant the request for the variance for the construction of a dwelling no closer than 13.2 feet from the west side property line and no closer than 6 feet from east side property line, with the following conditions: That a foundation certification be prepared prior to construction and that all best management practices be employed, and further to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on April 15, 2015, approved this formal Notice of Decision language and authorized the Vice Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of three (3) in favor (Nolin, Hopkins, Jenny), none (0) opposed.

The decision made to grant the variance on March 18, 2015, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

  
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Russell Nolin  
Vice Chairman, Zoning Board of Adjustment

Date 4/15/15